

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**MAURICE BOONE**

**v.**

**SUPERINTENDENT OF SCI  
HUNTINGDON, et al.**

**CIVIL ACTION**

**NO. 02-2668**

**ORDER**

**AND NOW**, this \_\_\_\_ day of February, 2004, upon consideration of Petitioner's Motion for Extension of Time to File an Appeal (Doc. 15), it is hereby **ORDERED** that the motion is **DENIED**. This Court is without jurisdiction to grant the requested extension.<sup>1</sup> See Fed. R. App. P. 4(a)(5)-(6).

BY THE COURT:

\_\_\_\_\_  
Hon. Petrese B. Tucker, U.S.D.J.

<sup>1</sup> Petitioner cites as good cause the fact that his attorney did not inform him until August 18, 2003, of the Court's Order denying his petition for writ of habeas corpus (Doc. 14), an order which was entered on July 28, 2003. (See Pet. Mot., Ex. A.) Pursuant to Fed. R. App. P. 4(a)(1)(A), Petitioner had 30 days or until August 27, 2003, to file a notice of appeal. Fed. R. App. P. 4(a)(5) and (6) allow for an extension of time under certain circumstances. However, a district court is only authorized to extend the time for filing an appeal if the movant makes the request within 30 days of date on which the time to appeal expired, in this case on September 26, 2003. Fed. R. App. P. 4(a)(5)(A). Petitioner mailed the instant motion on October 22, 2003, which is the date the motion is recognized as filed. See Fed. R. App. P. 4(c). Thus the motion was filed 26 days late and Petitioner cannot show good cause for this additional delay. Relief pursuant to Rule 4(a)(6) is also unavailable since Petitioner did not file his motion within seven (7) days of receiving notice of the Court's order.